

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: STL920000052US2/A8504

James L. KEESEY, et al.

Appln. No.: 09/690,313

Group Art Unit: 2626

Confirmation No.: 3435

Examiner: Qi HAN

Filed: October 17, 2000

For: A TECHNIQUE FOR PROVIDING CONTINUOUS SPEECH RECOGNITION AS AN
ALTERNATE INPUT DEVICE TO LIMITED PROCESSING POWER DEVICES

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

The real party in interest is INTERNATIONAL BUSINESS MACHINES CORPORATION by virtue of an assignment executed by James L. Keesey and Gerald J. Wilmot (hereinafter, "Appellant") on October 12, 2000 and October 3, 2000, respectively.

II. RELATED APPEALS AND INTERFERENCES

An Appeal Brief was filed on October 19, 2005. The Examiner's rejections were reversed in the Decision on Appeal dated July 27, 2006.

A Pre-Appeal brief Request for Review was filed on November 11, 2009. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on March 15, 2010, indicating that the Application remains under Appeal because there is at least one actual issue for Appeal.

Appellants are unaware of other representative appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in the pending Appeal.

III. STATUS OF CLAIMS

Claims 1-3, 5-16, 18-29, and 31-40, stand finally rejected, and all the subject of this appeal.

Claims 1-3, 5-16, 18-29 and 31-40 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hedin et al (U.S. Patent No. 6,185,535, hereinafter “Hedin”) in view of King (U.S. Patent No. 6,532,446, hereinafter “King”) and D’hoore et al (U.S. Patent No. 6,085,160, hereinafter “D’Hoore”).

Claims 4, 17, and 30 are canceled.

No other grounds of rejection or objection is currently pending.

The claims are set forth in the attached Appendix.

APPEAL BRIEF

Attorney Docket No.: STL920000052US2/A8504

U.S. Application No.: 09/690,313

IV. STATUS OF AMENDMENTS

No claim amendments were filed subsequent to the Final Office Action dated August 11, 2009.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a method of data entry at a device (for example, device 200 in FIG. 2), comprising: receiving voice data at the device (see for example, page 5, lines 8-25); transmitting the voice data and a device identifier to a computer (see for example, page 6, lines 1-8); and at the computer, translating the voice data to text (see for example, page 6, lines 6-8); determining whether to filter the translated text (see for example, page 6, lines 9-23); and if it is determined that the translated text is to be filtered, applying a filter to the translated text (see for example, page 6, lines 9-23); wherein the voice data is translated to text using a voice print (see for example, page 6, lines 6-8), and the translated text is returned to the device (see for example, page 6, lines 9-23), and wherein the voice print is retrieved from a datastore based on the device identifier (see for example, page 6, lines 6-8).

Independent claim 14 is directed to an apparatus, comprising: a device (for example, device 200) for receiving and transmitting data; a computer (for example, 210) having a data store coupled thereto (see for example, page 6, lines 6-8), wherein the data store stores data, connected to the device; and one or more computer programs, performed by the computer for: receiving voice data and a device identifier from the device (see for example, page 6, lines 1-8); translating the voice data to text (see for example, page 6, lines 6-23); determining whether to filter the translated text (see for example, page 6, lines 9-23); and if it is determined that the translated text is to be filtered, applying a filter to the translated text (see for example, page 6, lines 9-23); wherein the voice data is translated to text using a voice print (see for example, page 6, lines 6-8), and the translated text is returned to the device (see for example, page 6, lines 9-

25), and wherein the voice print is retrieved from a datastore based on the device identifier (see for example, page 6, lines 6-8).

Independent claim 27 is directed to an article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer to process data entered at a device, comprising: receiving voice data at the device (see for example, page 5, lines 23-30); transmitting the voice data and a device identifier to a computer (see for example, page 6, lines 1-5); and at the computer, translating the voice data to text (see for example, page 6, lines 6-23); determining whether to filter the translated text (see for example, page 6, lines 6-23); and if it is determined that the translated text is to be filtered, applying a filter to the translated text (see for example, page 6, lines 6-23); wherein the voice data is translated to text using a voice print (see for example, page 6, lines 6-23), and the translated text is returned to the device (see for example, page 6, lines 6-25), and wherein the voice print is retrieved from a datastore based on the device identifier (see for example, page 6, lines 6-23).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- I. Rejection of claims 1-3, 5-16, 18-29 and 31-40 under 35 U.S.C. § 103(a)
as allegedly being unpatentable over Hedin in view of King and D'hoore.

VII. ARGUMENT

I. Previous Decision by the Board of Patent Appeals and Interferences (“the Board”).

As a preliminary matter, a previous Appeal was filed before the Board on October 19, 2005. In that Appeal, Appellant argued that the references cited by the Examiner (King, U.S. Patent No. 6,532,446 - currently cited, and Alpdemir, U.S. Patent No. 6,658,389 - not currently cited), did not teach or suggest all of the features of the claims, and additionally, there was no motivation to combine the cited references.

In the Decision on Appeal dated July 27, 2006, the Board, without reaching a decision on the question of a motivation for combining the references, agreed with Appellants that neither King nor Alpdemir teach or suggest “determining whether to filter the translated text; and if it is determined that the translated text is to be filtered, applying a filter to the translated text”, as recited in independent claim 1 and analogously recited in independent claims 14 and 27.

The Board indicated that the Examiner’s conclusion that King’s teaching of converting symbolic data files (text) to a data format that may be optimally transported on a wireless network, and a text file that may be reformatted so as to be more compatible with a requesting mobile device (suggesting filtering out incompatible text), allegedly corresponds to a filtering function, was not well founded.² The Board stated that the claims require that some determination of whether the translated text should be filtered has to be made, which means that sometimes a filtering function will apply, and sometimes a filtering function will not apply. The

² The Decision on Appeal dated July 27, 2006, at pages 4-5.

Board also stated that while King may convert a symbolic data file to a data format that may be optimally transported on a wireless network, nothing within the confines of King (or Alpdemir) teaches or suggests making any kind of determination whether the translated text of voice data should be filtered and then applying the filter if the determination is made that it should be filtered.

In response, the Examiner appears to have ignored the Board's earlier guidance by continuing to reject the claims on art that is similar to art that the Board has already considered. The Examiner has applied a reference (Hedin) which is similar in content to the previously cited King reference, and appears to read the claimed feature "determining whether to filter the translated text; and if it is determined that the translated text is to be filtered, applying a filter to the translated text", on column 5, lines 43-55 and column 6, lines 16-20 of Hedin.

However, similar to the teachings of King, these cited portions of Hedin merely teach that when data formats are different a gateway/proxy part 107 converts data from one format to another, the substitution may include substituting keywords from one format to another and filtering or weeding out data that cannot be received by a terminal. To the extent that the Examiner may be relying on the word "filtering" as taught by Hedin (column 5, lines 48-49), Hedin (similar to King) does not teach or suggest making any kind of determination whether the translated text of voice data should be filtered and then applying the filter if the determination is made that it should be filtered.

For at least this reason, Appellant respectfully submits that the Examiner's stated rejections should be reversed.

II. Rejection of claims 1-3, 5-16, 18-29 and 31-40 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hedin in view of King and D'hoore.

Appellant respectfully submits that claims 1-3, 5-16, 18-29 and 31-40 are not rendered obvious in view of Hedin, King, and D'hoore, because the cited references, alone or in combination, do not teach or suggest all of the features of the claims.

Disclosure of Hedin

Hedin generally relates to an interactive voice interface or a voice oriented browser which is used to access and control service applications. The system comprises a client device 101 which receives speech from a user, uses recognized speech to control the functions of the client device or converts recognized speech to text and transmits the text to a server 103 (column 5, lines 4-16). Unrecognized speech is formatted and sent to a server 103, which analyses the speech using a more powerful speech recognition system than the client device uses. Hedin states that this speech recognized by the server may control the server based on the analyzed speech, and if the recognized speech represents data, inputs that data into a server application. However if the server is still unable to recognize the speech after analyses, the server sends the encoded speech back to the client device for playback (column 5, lines 17-33).

Hedin discloses that a gateway/proxy part 107 is coupled to a server 109. If a data format on a link between the client 101 and the gateway 107 is different from a data format on a link 111 between the gateway 107 and the server 109, the gateway 107 converts the data to a suitable format (column 5, lines 43-49). Filtering may also be applied to weed out or prevent certain types of data from being sent to the client device/terminal 101 (column 5, lines 48-49).

However, this filtering disclosed by Hedin relates to filtering data other than the data generated from the recognized speech. This data that Hedin discloses filtering is, for example, web pages that are retrieved for a command the server receives

Disclosure of King

King generally relates to a voice recognition system that translates voice input to symbolic data files. (Abstract). In King, mobile devices 102, 103 are connected through an infrastructure (*see* Fig. 1) to a voice recognition server system 109. Voice recognition server system 109 has a server 110 and a database 112. The system allows a user at a mobile device 102, 103 to input voice data at mobile device 102, 103 so that the voice data can be translated to symbolic data files at voice recognition server system 109 (column. 2, lines 46-50). King also discloses that once the voice data is processed by speech recognition server system symbolic data file is generated and, in certain embodiments, converted to a data format that may be optimally transported over a network 320 (column. 10, lines 32-48). The processed symbolic data file may also be formatted so as to be more compatible with the requesting mobile device.

Disclosure of D'hoore

D'hoore generally relates to a language dependent speech recognition system which receives input speech and produces a speech-related signal representative of the input speech (column 1, lines 41-53). Acoustic models may be created using speech data from a plurality of languages. Words in a vocabulary of recognizable words may be described by a voice print comprised of a user-trained sequence of acoustic models from a database (column 2, lines 1-6). The voice prints may be used to recognize the utterances of trained word by the speaker, and

may be used to check the identity of the speaker, since the voice print will better match the speech of the targeted speaker than the speech of another speaker (column 7, lines 46-55).

III. The Rejections Under 35 U.S.C. § 103(a) must fail at least because the Examiner has failed to articulate a credible motivation to modify Hedin, King and D'hoore to achieve the claimed invention

According to an exemplary embodiment of the present invention, a user inputs voice data into a client device by speaking into the device. The voice data is then sent to a voice recognition server which translates and transforms the voice data to text based on a voice print of the user, and sends the transformed text back to the client device, which incorporates it into a target application.

Hedin generally relates to voice-enabled devices, and the voice-enabled control of computer applications. Hedin teaches that a client part receives speech from the user and uses recognized speech to control local functions in the terminal (see column 5, lines 4-10 of Hedin). Unrecognizable speech is sent to a server 109 and may be converted to text in order to control functions of the server (column 6, lines 8-14). A gateway may also convert text to audio and sent the audio to the client (column 5, line 66 to column 6, line 3). Accordingly, as acknowledged by the Examiner, Hedin does not transmit translated text to the client terminal³.

Notwithstanding the fact that Hedin discloses no need or benefit for receiving text at the terminal device, the Examiner relies on King to as allegedly teaching the feature “the translated

³ The Final Office Action dated August 11, 2009, at page 5.

text is returned to the device”, and cites column 3, lines 16-19 of King in support of this assertion. The Examiner asserts that this cited portion of King teaches that the user of a mobile device speaks into a microphone of the mobile device. Voiced input is received at a speech recognition server and converted into a symbolic data file. The symbolic data file is then sent back to the originating mobile device, and may be used to interact with local applications on the mobile device.

In attempting to establish the requisite motivation to combine Hedin and King, the Examiner argued that:

[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify HEDIN by providing sending the recognized/converted/reformatted symbolic data (text) back to the originating device (or a designated third party device), as taught by KING, for the purpose (motivation) of improving the usability and commercial viability of network for using speech recognition services.⁴

Appellant respectfully disagrees with the Examiner’s position. First, as discussed above, Hedin uses voice signals to control a client device. Therefore, there is no need to transmit text to the client device. In fact, Hedin appears to teach away from King, since Hedin teaches that audio data may be sent to the client and played for the user so that the user may hear the possible selections rather than having to view them on the screen (column 5, line 66 to column 6, line 4). This clearly obviates the need for text to be sent to the client device of Hedin.

⁴ The final Office Action at page 6.

Additionally, the Examiner contends that it would have been obvious to modify the teachings of Hedin with the teachings of King in order to “improve[e] the usability and commercial viability of network for using speech recognition services”.⁵ However, Hedin appears to be fully able to recognize speech through the use of a low power speech recognition system (ASR) provided in the terminal and the further use of a more powerful speech recognition system in the server which recognizes words that are not recognized by the ASR in the terminal. In other words, one skilled in the art would not be motivated to modify Hedin when it already possesses the benefits of the proposed modification. Thus, since the Examiner’s sole reasoning for modifying Hedin based on the disclosure of King is to accomplish something that is already present in the Hedin reference, the Examiner has not provided a convincing line of reasoning of why one skilled in the art would have found the combination of the teachings of the cited references obvious.⁶

Here, the motivation the Examiner asserts is not directed to a motivation to combine or modify the cited references, but instead is merely an assertion of the ability to combine the references. Nothing stated or cited by the Examiner suggests the desirability of the combination of cited art. The Examiner cannot pick and choose elements from the prior art to allegedly

⁵ Office Action dated September 17, 2009 at page 6.

⁶ The mere fact that a reference can be modified does not render the resultant modification obvious unless the prior art suggest the desirability of the modification. See *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). It is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This burden can only be satisfied by an objective teaching in the prior art or by cogent reasoning that the knowledge is available to one of ordinary skill in the art. See *In re Lahu*, (747 F.2d 703, 223 U.S.P.Q. 1257 (Fed. Cir. 1984)).

reconstruct the Appellant's claimed invention. (*See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) ("One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.")). For at least this reason, Appellant respectfully submits that *prima facie* case of obviousness has not been established.

IV. Hedin in view of King and D'hoore fails to teach or suggest all of the features of independent claims 1, 14, and 27.

Claims 1-3, 5-16, 18-29, and 31-40 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hedin in view of King and D'hoore. Appellant respectfully traverses this rejection.

Appellant respectfully submits that there is no teaching or suggestion in the cited references that "the voice data is translated to text using a voice print" and "the voice print is retrieved from a datastore based on the device identifier", as recited in claim 14 and analogously recited in independent claims 1 and 27.

The Examiner acknowledges that Hedin and King do not teach or suggest "the voice data is translated to text using a voice print", and "the voice print is retrieved from a datastore based on the device identifier", as claimed. The Examiner thus relies on D'hoore to allegedly remedy this deficiency. Appellant respectfully disagrees with the Examiner, and further submits that D'hoore has no relevance to the claimed invention.

D'hoore discloses a language dependent speech recognition system which receives input speech and produces a speech-related signal representative of the input speech (column 1, lines 41-53). Acoustic models may be created using speech data from a plurality of languages. Words

in a vocabulary of recognizable words may be described by a voice print comprised of a user-trained sequence of acoustic models from a database (column 2, lines 1-6). The voice prints may be used to recognize the utterances of trained word by the speaker, and may be used to check the identity of the speaker, since the voice print will better match the speech of the targeted speaker than the speech of another speaker (column 7, lines 46-55).

However, contrary to the assertions of the Examiner, Appellant respectfully submits that there is no teaching or suggestion in D'hoore that the voice print is used to translate voice data into text. D'hoore appears to use the voice prints in order to obtain the proper enunciations or pronunciations of the words in the specific language of the user, and tries to find the best possible phonetic representation for a particular word based on a few utterances of that word by the user. D'hoore does not use the voice print to translate voice data to text as claimed.

The Examiner cites column 7, lines 32-55 of D'hoore as allegedly teaching the conversion of speech to text². However, this cited portion of D'hoore merely teaches that since non-native speakers may produce sounds that cannot be represented well by the model database of a single language model, the phoneme model database is used, since it covers a much wider span of sounds. When single language models are used, the speech recognition system is restricted to mapping the speech unto language specific symbols.

Further, words can be added to a recognizer by having the user pronounce a word a few times. The system constructs the best possible phoneme or model unit sequence to describe the

² The Final Office Action dated August 11, 2009 at page 3.

word based on the phoneme model database and the uttered speech. This is the voice print which is used to recognize utterances of the trained word by the speaker.

Nothing in this cited portion (or any other portion) of D'hoore teaches or suggests "the voice data is translated to text using a voice print", and "the voice print is retrieved from a datastore based on the device identifier", as claimed.

The Examiner also appears to assert that the claimed "text" allegedly reads on the "symbols" as taught by D'hoore. Appellant respectfully disagrees with the Examiner.

The "symbols" as taught by D'hoore refer to sound, and not text as asserted by the Examiner. D'hoore teaches a speech recognition system wherein a speech pre-processor receives input speech and produces a speech-related signal representative of the input speech (column 1, lines 41-47). Once the input speech signal has been pre-processed, a speech recognizer compares the speech signal to acoustic models in a phoneme (or symbol) database together with a language model. Universal language independent phonemes, (which represent the fundamental sounds of a given language), may be constructed using a phonetic alphabet designed to cover all languages which represent each sound by a single symbol, wherein each symbol represents a single sound (column 4, lines 42-55). To provide speech recognition in a given language, a set of symbols (phonemes) are defined which represent all sounds of that language (column 1, lines 10-17). Accordingly, D'hoore clearly teaches that the "symbols" relate to sound and not text, as asserted by the Examiner. Therefore, D'hoore does not teach or suggest that voice data is translated to text. Instead, D'hoore teaches a speech recognition system which produces a speech related signal from inputted speech.

Still further, the Examiner appears to acknowledge that D'hoore does not teach or suggest "the voice print is retrieved from a datastore based on the device identifier", since the Examiner asserts that "HEDIN discloses that 'in a multi-user environment, each user's profile must be stored (datastore)'...and using WAP URL (device identifier)⁸. However, since the Examiner has conceded that Hedin does not teach or suggest "the voice print is retrieved from a datastore based on the device identifier"², the Examiner's contradictory position is unclear.

The Examiner further argues that:

Since HEDIN discloses that...each user's profile must be stored (datastore)...and using WAP URL (device identifier)...and D'hoore discloses speech recognition and speaker identifier using the voice prints...one of ordinary skill in the art would have recognized that voice print would be readily and properly stored in the corresponding user profile using WAP URL.¹⁰

The Examiner continues to improperly read subject matter into D'hoore that is simply not taught or suggested by the reference. There is simply no teaching or suggestion in D'hoore that the WAP URL is associated with a voice print.

Hedin merely teaches that WAP using WML enables terminals with small displays, limited processing power and low data transmission bandwidth to access and control services and content in a service network. The simple syntax in WML makes WAP suitable for controlling the service. The WML may be used in wireless mobile devices because its cards and

⁸ The final Office Action at page 6, lines 14-16.

² The final Office Action at page 6, lines 5-7.

¹⁰ The final Office Action at page 6.

scripts or libraries can be used to create applications that extend services available in mobile networks.

There is no teaching or suggestion in Hedin that a device identifier is transmitted to the computer as recited in the claims, nor would it be inherent that a device identifier is transmitted to the computer simply because Hedin teaches using a WAP standard. According to an exemplary embodiment of the present invention, the client device generates a speech packet that consists of voice data, data relating to a target application, and a client device identifier. Accordingly, the formatting of the translated text may be for a particular application and a particular client device (see for example, page 6 of the original specification). Hedin merely teaches that data may be communicated over a digital link 105 in the form of cards and scripts/libraries created by a standardized markup language such as WML. However, Hedin does not teach or suggest, inherently or explicitly, “transmitting the voice data and a device identifier to a computer”, as claimed.

Further, Appellant submits that there is no teaching or suggestion in Hedin of “determining whether to filter the translated text; and if it is determined that the translated text is to be filtered, applying a filter to the translated text”, as recited in independent claim 1 and analogously recited in independent claims 14 and 27.

The Examiner cites column 5, lines 43-55 and column 6, lines 16-20 of Hedin as allegedly teaching these elements of the claims. However, Hedin teaches that a first digital link 105 connects a client part to a gateway/proxy part 107, and a second link 111 connects the gateway/proxy part to a server 109. The data that is communicated over the first link may comprise a different data format from the data that is communicated over the second link. If the

formats are different, then some filtering may be done in order to eliminate data that cannot be received or processed by the user terminal. For example, if graphical information cannot be displayed on the terminal, then the graphical information is eliminated from the data that is being transmitted to the terminal, and only data that is appropriate (or data that can be processed by the terminal) is communicated to the terminal (see column 5, lines 43-55 of Hedin).

Accordingly, the “filtering” as taught by Hedin is used to prevent predetermined data from being transmitted to a terminal, and is not used to filter voice data that has been translated to text.

For at least these reasons, Appellant respectfully submits that the 35 U.S.C. § 103 rejection of claims 1-3, 5-16, 18-29 and 31-40 is improper, and respectfully submits that the rejection of claims 1-3, 5-16, 18-29 and 31-40, should be reversed.

The USPTO is directed and authorized to charge the statutory fee (37 C.F.R. §41.37(a) and 1.17(c)) and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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46159

CUSTOMER NUMBER

Date: May 17, 2010

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CLAIMS APPENDIX

CLAIMS 1-3, 5-16, 18-29 and 31-40 ON APPEAL:

1. (previously presented): A method of data entry at a device, comprising:
receiving voice data at the device;
transmitting the voice data and a device identifier to a computer; and
at the computer,
translating the voice data to text;
determining whether to filter the translated text; and
if it is determined that the translated text is to be filtered, applying a filter to the translated text;
wherein the voice data is translated to text using a voice print, and the translated text is returned to the device, and
wherein the voice print is retrieved from a datastore based on the device identifier.
2. (original): The method of claim 1, further comprising storing a user profile in a data store connected to the computer.
3. (original): The method of claim 2, wherein the user profile comprises a voice print.
4. (cancelled):

5. (original): The method of claim 1, wherein determining comprises extracting one or more key words from the translated text.

6. (original): The method of claim 5, wherein a filter is selected based on one or more extracted key words.

7. (original): The method of claim 1, wherein applying the filter comprises formatting the translated text.

8. (original): The method of claim 7, wherein formatting comprises formatting the translated text for an application.

9. (original): The method of claim 7, wherein formatting comprises formatting the translated text for the device.

10. (original): The method of claim 1, further comprising returning translated text to the device.

11. (original): The method of claim 1, further comprising returning filtered text to the device.

12. (original): The method of claim 11, further comprising returning the filtered text via an electronic mail message.

13. (original): The method of claim 1, further comprising returning data to a device other than the device at which voice data was received.

14. (previously presented): An apparatus, comprising:
a device for receiving and transmitting data;
a computer having a data store coupled thereto, wherein the data store stores data, connected to the device; and
one or more computer programs, performed by the computer for:
receiving voice data and a device identifier from the device;
translating the voice data to text;
determining whether to filter the translated text; and
if it is determined that the translated text is to be filtered, applying a filter to the translated text;
wherein the voice data is translated to text using a voice print, and the translated text is returned to the device, and
wherein the voice print is retrieved from a datastore based on the device identifier.

15. (original): The apparatus of claim 14, further comprising storing a user profile in a data store connected to the computer.

16. (original): The apparatus of claim 15, wherein the user profile comprises a voice print.

17. (cancelled).

18. (original): The apparatus of claim 14, wherein determining comprises extracting one or more key words from the translated text.

19. (original): The apparatus of claim 18, wherein a filter is selected based on one or more extracted key words.

20. (original): The apparatus of claim 14, wherein applying the filter comprises formatting the translated text.

21. (original): The apparatus of claim 20, wherein formatting comprises formatting the translated text for an application.

22. (original): The apparatus of claim 20, wherein formatting comprises formatting the translated text for the device.

23. (original): The apparatus of claim 14, further comprising returning translated text to the device.

24. (original): The apparatus of claim 14, further comprising returning filtered text to the device.

25. (original): The apparatus of claim 24, further comprising returning the filtered text via an electronic mail message.

26. (original): The apparatus of claim 14, further comprising returning data to a device other than the device at which voice data was received.

27. (previously presented): An article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer to process data entered at a device, comprising:

receiving voice data at the device;

transmitting the voice data and a device identifier to a computer; and
at the computer,

translating the voice data to text;

determining whether to filter the translated text; and

if it is determined that the translated text is to be filtered, applying a filter to the translated text;

wherein the voice data is translated to text using a voice print, and the translated text is returned to the device, and

wherein the voice print is retrieved from a datastore based on the device identifier.

28. (original): The article of manufacture of claim 27, further comprising storing a user profile in a data store connected to the computer.

29. (original): The article of manufacture of claim 28, wherein the user profile comprises a voice print.

30. (cancelled).

31. (original): The article of manufacture of claim 27, wherein determining comprises extracting one or more key words from the translated text.

32. (original): The article of manufacture of claim 31, wherein a filter is selected based on one or more extracted key words.

33. (original): The article of manufacture of claim 27, wherein applying the filter comprises formatting the translated text.

34. (original): The article of manufacture of claim 33, wherein formatting comprises formatting the translated text for an application.

35. (original): The article of manufacture of claim 33, wherein formatting comprises formatting the translated text for the device.

36. (original): The article of manufacture of claim 27, further comprising returning translated text to the device.

37. (original): The article of manufacture of claim 27, further comprising returning filtered text to the device.

38. (original): The article of manufacture of claim 37, further comprising returning the filtered text via an electronic mail message.

39. (original): The article of manufacture of claim 27, further comprising returning data to a device other than the device at which voice data was received.

40. (previously presented): The method of claim 1, wherein the device identifier comprises a unit identifier which identifies a particular device used by a user.

APPEAL BRIEF
U.S. Application No.: 09/690,313

Attorney Docket No.: STL920000052US2/A8504

EVIDENCE APPENDIX:

There has been no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other similar evidence.

RELATED PROCEEDINGS APPENDIX

Submitted herewith are copies of decisions rendered by a court or the Board in any proceeding identified about in Section II pursuant to 37 C.F.R. § 41.37(c)(1)(ii).

Copy of Notice of Panel Decision from Pre-Appeal brief Review dated March 15, 2010.

Copy of Decision on Appeal dated July 27, 2006.

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: STL920000052US2/A8504

James L. KEESEY, et al.

Appln. No.: 09/690,313

Group Art Unit: 2626

Confirmation No.: 3435

Examiner: Qi HAN

Filed: October 17, 2000

For: A TECHNIQUE FOR PROVIDING CONTINUOUS SPEECH RECOGNITION AS AN
ALTERNATE INPUT DEVICE TO LIMITED PROCESSING POWER DEVICES

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. The USPTO is directed and authorized to charge the statutory fee of \$540.00 and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Mark E. Wallerson/

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Date: May 17, 2010